

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 55-20**

**A RESOLUTION TO SELECT AND APPROVE A FEE PROPOSAL FROM FES  
GROUP, LLC TO STABILIZE STEEP SLOPES OVERLOOKING SACHEM DRIVE**

Introduced by: Mayor Habeeb-Ullah Muhammad

**WHEREAS**, the Charter, Section 33-73 (Public ways, control) states that the Town of Forest Heights (the "Town") shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**WHEREAS**, pursuant to Section 33-20(b)(11) (Cooperative activities) of the Town Charter, the Council is authorized to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions; and

**WHEREAS**, pursuant to Section 33-20(b)(36) (Obstructions) of the Town Charter, the Council is authorized to remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town; and

**WHEREAS**, in 1961 the Town entered into an agreement with the State Roads Commission to assume responsibility for maintaining Sachem Drive even though the roadway is located within the State Right -of-Way; and

**WHEREAS**, the Town wishes to install certain improvements to protect certain vulnerable areas of steep slopes situated adjacent to 5813 Sachem Drive that are causing erosion and potential mudslides into the roadway; and

**WHEREAS**, the SHA District Engineer for Dist. 3 has agreed to grant the Town permission to enter State property and make the necessary improvements provided the Town assumes responsibility for those improvements and Town Council has approved a Right of Entry and Maintenance Agreement dated March 9, 2020 between the Town of Forest Heights and the State Highway Administration; and

**WHEREAS**, the Mayor and Council finds that the present condition of the steep slopes along Sachem Drive near or abutting 5813 Sachem Drive poses a real if not an imminent threat to the health, safety and welfare of the travelling public; and

**WHEREAS**, the Town has formally made a request for proposals for Slope Erosion Repair and Stabilization (RFP No. 01-2020) with a pre-bid meeting on May 19, 2020, a submission deadline on June 1, 2020 and bid/proposal opening occurring on June 5, 2020; and

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**WHEREAS**, the necessary improvements have been inspected and surveyed on site and recommended by qualified experts and the staff has obtained two (2) proposals to install certain stabilization design parameters; and

**WHEREAS**, Arya Civil, LLC has submitted a proposal for slope erosion and stabilization (100 LF) along Sachem Drive to design and construct a retaining wall along with underdrain and riprap on the slope to protect it from erosion in the future at a project cost of \$1,022,500.00, which is attached hereto as Exhibit 1; and

**WHEREAS**, a similar proposal from FES Group to perform the construction for the slope stabilization and the design and geotechnical engineering to be completed by its engineering subcontractor, KCI Technologies, Inc., would repair only the section of the slope that has presently failed (~30' X 100'), with a scope of services consisting of designs, survey, traffic control plan and construction services necessary to construct long-term slope stabilization elements where the existing slopes failed at a project cost of \$300,000.00; and

**WHEREAS**, the Town is further interested in ultimately providing stabilization for the entire length of the slope along Sachem Drive which is several times larger in terms of linear feet; however, staff recommends that the Town initially address and repair the failed section of the slope initially as phase 1 of approximately 100 linear feet, but Staff recommends that the Town proceed with completing the rest of the area over time as more funding is identified for phases 2 or 3, for the approximately 500 additional linear feet remaining that may also need remediation; and

**WHEREAS**, notwithstanding the fact that in these circumstances competitive proposals were obtained, as described above, the Mayor and Council could reject the proposals and by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided that written findings as to the basis of such waiver are placed in the journal of the Council's proceedings; and

**WHEREAS**, the Mayor and Council find that FES Group, LLC's services are the lowest or best bid in terms of the quality of goods and work, time of delivery or completion, and responsibility of bidders being considered and will adequately address the particular needs of the Town in supplying this public works project in an incremental yet cost effective manner.

**NOW THEREFORE BE IT RESOLVED** that the Town Council hereby awards the proposal, and approves and authorizes a Fee Proposal (Project No. FES19-056) in the amount of \$300,000.00 with certain conditions and exclusions enumerated therein, for the design, construction and stabilization of a slope failure along Sachem Drive dated June 26, 2020 and prepared by FES Group, LLC, a Maryland company that is in good standing with the State, which is attached hereto and incorporated by reference herein as Exhibit 2.

**AND, BE IT FURTHER RESOLVED** that the Town Council hereby authorizes the Mayor to negotiate and finalize a written contract with FES Group, LLC to be paid pursuant to

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FY21 Budget Line Item 8000 with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

**AND BE IT FURTHER RESOLVED** that the parties shall enter into a service agreement agreed to by both parties and subject to approval by the Mayor and Council of the Town of Forest Heights at a public meeting prior to the commencement of any work; and

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its passage.

PASSED this 21 day of October 2020.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

MUHAMMAD

Yea

KENNEDY II

Yea

ATKINSON

Yea

BARNES

Yea

HINES

Yea

WASHINGTON

Yea

NOBLE

Yea

ATTEST:

THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

**SIGNATURE ON FILE**

Sherletta Hawkins, Town Clerk

**SIGNATURE ON FILE**

By: Habeeb-Ullah Muhammad, Mayor

**SIGNATURE ON FILE**

By: Calvin Washington, Council President

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CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 21 of October 2020 with 6 Aye votes and \_\_\_\_ Nay vote the aforesaid Resolution 55 20 passed.

**SIGNATURE ON FILE**

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

[Exhibits 1 & 2 Vendor Proposals (2)]